

BEFORE THE MINED LAND RECLAMATION BOARD  
STATE OF COLORADO

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IN THE MATTER OF PROPOSED RULES AND AMENDMENTS TO THE  
MINERAL RULES AND REGULATIONS OF THE COLORADO MINED LAND  
RECLAMATION BOARD FOR HARD ROCK, METAL AND DESIGNATED  
MINING OPERATIONS, 2 CCR 407-1

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EXPLANATORY STATEMENT OF THE DIVISION  
OF RECLAMATION, MINING AND SAFETY FOR ALTERNATIVE AND  
ADDITIONAL RULE LANGUAGE SUBMITTED PURSUANT TO THE MINED  
LAND RECLAMATION BOARD'S ORDER OF JULY 19, 2010

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The attached submittal provides the additional material the Board requested from DRMS in its July 19, 2010 Order. The July 19 Order requested that the Division provide alternative and additional rule language specifically regarding:

1. Pit Liners for drilling-related activities (including prospecting).
2. Providing copies and or notices of Notices of Intent to Conduct Prospecting to local governments (Proposed Rule 5).
3. The collection of baseline water quality information related to prospecting activities.
4. The issue of de minimis amounts of uranium recovered incidental in situ leach mining for other minerals (Proposed Rule 1.1(25)).
5. A deadline for the Division receiving a written request regarding confidential information in Proposed Rule 1.3(4)(IV).
6. Changes to Exhibit S in Proposed Rule 6.4.19 – that complying with this requirement is not a completeness issue; or deletion of the proposed Exhibit S with the newly blank section “reserved” to avoid renumbering the rule.

The attached submittal provides alternative and additional rule language for Rules 1.1, 1.3, 3.1, 3.1.6, 3.1.7, 5.1.2, 5.1.3 and 6.4.19 to address the items listed above.

**Items No. 1 & 3.** In Rule 3.1 the Division added language similar to the existing language of Rule 5.3.1(b) to emphasize that the performance standards contained in Rule 3 are applicable to prospecting operations when relevant to a given operation, as determined by the Division. In Rule 3.1.7, the Division added related language to make clear that groundwater protection requirements may apply to prospecting operations. In Rule 3.1.6(4), the Division added language to clarify that the Division may require submission of a baseline site characterization for prospecting operations. Likewise, in Rule 3.1.6(5), the Division added language stating that pit liners or other

protective measures may be required for drilling pits associated with prospecting or mining operations.

These changes are intended to fit within the existing structure of the Board's rules which provide the Division discretion to determine what measures are necessary for the protection of groundwater and surface water. For example, current Rule 3.1.7(7)(a) states that "a groundwater monitoring program shall be required on a case-by-case basis where an adverse impact on groundwater quality may reasonably be expected." Rule 3.1.7(7)(b)(viii) further states that "if groundwater monitoring is required, the Operator shall include the following information . . . ambient groundwater quality data sufficient to characterize potentially impacted groundwater quality." In a similar fashion, Rule 3.1.6 allows the Division to determine additional measures that may be required to minimize disturbances to the prevailing hydrologic balance. The new language incorporates this same type of discretion to allow the Division to respond to site-specific conditions and changes in technology.

**Item No. 2.** The language added to Rule 5.1.2(m) would require prospectors to provide notice to the relevant board of county commissioners prior to submitting an NOI to the Division.

**Item No. 4.** In language provided for Rule 1.1(25), the Division attempted to address the concern raised by parties that some de minimis incidental extraction of uranium at non-uranium in situ mining operation should not trigger the in situ leach mining requirements created by H.B. 1161. At the same time, the language attempts to incorporate the Division's own perspective that such decisions should be handled on a case-by-case basis.

**Item No. 5.** In the language provided for Rule 1.3(4)(IV)(A), the Division tied the submission of a request for disclosure of information designated as confidential to the 10-day comment period proposed for NOIs. A cross reference to this requirement has been added to Rule 5.1.3.

**Item No. 6.** The change to Rule 6.14.19 simply removes the requirement for proof of mailing notices from the application requirements and reserves the section.